

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION**

NPF Franchising, LLC	:	
	:	
Plaintiff,	:	Civil Action No. 1:18-cv-00277
	:	
v.	:	Judge Donald C. Nugent
	:	
SY Dawgs, LLC, <i>et al.</i>	:	Magistrate Judge William H. Baughman
	:	
Defendants.	:	

DEFENDANTS' MOTION TO CONTINUE
HEARING SCHEDULED FOR FEBRUARY 4, 2021

Now come Defendants, by and through counsel, and respectfully request a continuance of the February 4, 2021 hearing in this matter. Defendants request this continuance because Defendants' lead counsel, William M. Harter, will be in trial on the date of the hearing in the Circuit Court of Wayne County, West Virginia.

Mr. Harter previously requested a modification of the trial schedule in the West Virginia matter, but that request was denied, and the state court reaffirmed the February 1, 2021 trial date. A copy of the Order Denying Motion to Modify Case Schedule is attached as Exhibit 1.

Defendants waited until today to seek a continuance in this Court due to the timing of the final pretrial conference in the West Virginia matter. The final pretrial conference in that matter was scheduled for today, January 21, 2021 (*see* Agreed Order Continuing Pretrial attached as Exhibit 2), at which Mr. Harter was hopeful either a settlement could be reached or a supplemental request for a continuance of the trial would be granted. Neither happened, however.

For these reasons, Defendants respectfully request a continuance of the February 4, 2021 hearing in this matter. At the Court's convenience, Defendants are amenable to participating in a telephonic status conference to set a new date for the motion hearing that is workable with the Court's schedule.

Respectfully Submitted,

/s/ William M. Harter

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CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed via U.S. Mail to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ William M. Harter
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